

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH CENTRAL DIVISION**

ERIC D. SOUTH,

Plaintiff,

vs.

STATE OF UTAH,

Defendant.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:05-CV-00092 PGC

Before the court is the Report and Recommendation issued by United States Magistrate Judge Brooke C. Wells May 3, 2004, recommending that defendant's motion to dismiss be granted for want of jurisdiction.

The parties have been properly notified of their right to object to the Report and Recommendation and that they must file any objections with the clerk of the court within ten (10) days after receiving it, pursuant to 28 U.S.C. § 636(b). As of the date of this order, the court has not received any objections from the plaintiff.

Having reviewed all relevant materials, including the reasoning set forth in the Magistrate Judge's Report and Recommendation, the court ADOPTS the Report and Recommendation and grants defendant's motion to dismiss.

Accordingly, this case is DISMISSED in its entirety. All motions by plaintiff are deemed

moot. The clerk of the court is directed to enter judgment accordingly, with each party to bear its own fees and costs, and is directed to close the case.

DATED this 19th day of May, 2005.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul Cassell", written over a horizontal line.

Paul G. Cassell
United States District Judge